

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 8, 2014

Members Present: Norman A. Hills, Chairman
Joel D. Hartley, Vice-Chairman
Stephen C. Gonsalves, Member
Cynthia C. Trinidad, Associate (arrival at 7:15pm)

Members Absent: Jeffrey J. Doubrava, Clerk
Lawrence B. Dorman, Member

Admin. Assistant: Donna M. Hemphill

Others Present: Walter & Dianne Kelly, Amy Holden, Brian Freyermuth, Kate Mahoney, Lars Olson, Carmelo Nicolosi (Charon Associates, Inc), Guenter & Lynne Kuhl, Kevin Forgue (GAF Engineering, Inc.), Will Saltonstall (Saltonstall Architects), N. Douglas Schneider (N. Douglas Schneider & Associates, Inc.), Nick Dufresne (Thompson Farland)

Meeting convened at 7:00 PM on Wednesday, October 8, 2014 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 4, 2014 by N. Hills, J. Doubrava and C. Trinidad. This meeting was televised and video recorded by Old Rochester Community Television (ORCTV), and audio recorded by Town of Marion staff.

7:00 PM **Thomas Stenberg**, 114 Point Road – Notice of Intent (File No. SE 041-1216) to demolish the structures on the lot and construct a single family dwelling, a pool, a pool house, a tennis court, a driveway and walkways. (Continued from September 24, 2014). S. Gonsalves recused himself. N. Hills noted there was not a quorum. N. Dufresne from Thompson Farland gave a description of the plan. Major changes on the new plan, the pool was on the harbor side and will now be on the road side and the house will be moved also. The main portion of the house is in Zone X. In looking at the plans, N. Hills asked what was going on between the septic system and the road. N. Dufresne said not much is changing there, pretty much the same, just a paved walking path going through the trees. N. Hills, asked about the square feet of change. N. Dufresne, unsure of the actual

39 square footage but can get the information. He also mentioned the rooftops will have recharge
40 systems. J. Hartley and N. Hills reviewed the plans and questioned the rectangles on the plan. They
41 indicate landscaping. N. Hills asked N. Dufresne for his permission to continue to October 22, 2014
42 at 7:40pm. J. Hartley seconded. Voted unanimously.

43
44 7:05 PM **DISCUSSION**: N. Dufresne from Thompson Farland, in regards to Lars
45 Olson, 73 Cove Circle. Newly purchased property, looking to take down and reconstruct a new
46 home. Lars Olson is the contractor, he would like to take down the structure while the architectural
47 plans and site plans are still being developed. N. Dufresne described the project. N. Hills noted that
48 on an older plan, part of the house is within the 100 foot Buffer to the wetlands. N. Dufresne agreed
49 that the Buffer line does go through the house. N. Hills said they will need to file a Request for
50 Determination for this job because it is in a Buffer Zone. N. Dufresne said that in the interest of time,
51 if the plan was sufficient enough to be signed off on. The wooden structure would be taken down and
52 hauled away. L. Olson said all work would be done from outside the buffer zone, no earth work
53 would be accomplished. He noted they are trying to get a new foundation in by the end of the year.
54 Existing foundation will be removed also. J. Hartley asked if garage coming down. and what the
55 access route would be. They have a winding driveway to the left. S. Gonsalves noted the are not
56 disturbing earth work. N. Hills noted an RDA is needed for foundation removal and asked about the
57 septic system; L. Olson said the septic is all new. Members agreed to allow work to begin. C.
58 Trinidad arrived during the conversation.

59
60 7:00 PM **Stemberg**: Hearing continued from earlier since C. Trinidad had arrived, and
61 now a quorum. S. Gonsalves recused himself. N. Dufresne again described the project. All structures
62 outside of the 30' Buffer Zone, no work within the 15' Buffer Zone. N. Hills said need to know the
63 square footage being disturbed, may need to require a 401 license, depends on how much is
64 disturbed. N. Dufresne will get that information. It is an isolated wetland. Walkways proposed are 3'
65 wide. J. Hartley and N. Hills reviewed the walkways on the plan. J. Hartley, questioned on an
66 additional driveway. N. Dufresne said yes. That area will be need to be added to the square footage,
67 the hearing is continued to October 22, 2014 at 7:40pm.

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69

70 7:10 PM **Matthew and Stephanie Sperry** Off Converse Road – Notice of Intent (File No.
71 SE 041-1217) to construct a new house located within the buffer zone of bordering wetlands with
72 connections to town water and sewer system; and associated work for house and proposed horse
73 paddock. Carmelo Nicolosi of Charon representing the Sperrys, he submitted revised plans, with
74 minor changes. C. Nicolosi described the project. A little more than half of the house is located in
75 the Buffer Zone. The house is 60' from the nearest wetland line. There is a 25' no activity zone that is
76 part of this project. A small section of a stone wall that will be removed. The Sperrys and some
77 neighbors were present. N. Hills asked about the lean-to and how it will be accessed and about the
78 barn and how it faces downhill. C. Trinidad noted the slope and the fill that will be used, and the
79 concern that any erosion could effect the wetland. Mr. Sperry showed the members on the plan.
80 Slope will be gradual and flatten out. Sperrys noted there will only be 3 horses. N. Hills noted along
81 the fence line, next to the BVW and that it is downhill. C. Nicolosi does not see there is a concern
82 for run off there. S. Gonsalves said it was probably all farm land at one point. N. Hills asked about
83 the 25' no disturb zone, S. Gonsalves does not see it an issue. Asked about the fence, it will be wood.
84 N. Hills asked about the horse paddock clearing. C. Nicolosi said some clearing. M. Sperry said they
85 will keep some trees even in the paddock area. Discussion about hay bales marking how far the lawn
86 will grow. S. Gonsalves and C. Trinidad, no further questions. N. Hills opened it up to the audience.
87 Amy Holden, one of the abutters, Lot 83 was concerned about the water table change on the
88 property. She showed the members on the plan where their property is. Concerns of trees coming
89 down. M. Sperry said they will take responsibility if a tree falls. C. Trinidad discussed vernal pool
90 concerns, mentioned an abutter. N. Hills, stated can note on the plan it is a potential but it isn't likely
91 it's too shallow to hold water until July without drying up. The area is normally protected since it is
92 in the wetland area. C. Nicolosi noted that delineation was done in April. N. Hills motioned to close
93 the hearing, C. Trinidad seconded; voted unanimously.

94

95 7:20 PM **Dennis and Karen Clemishaw**, Off Perry's Lane –Notice of Intent (File No.
96 SE 041-1218) for grading and excavating associated with the construction of a single family home;
97 work to be done in the buffer zone to a cranberry bog only. Kevin Forgue of GAF Engineering
98 represented the Clemishaws. N. Hills stated they could not find the property on the site visit and

99 would like to continue to October 22, 2014 at 7:50pm. Requested that Mr. Forgue be present at the
100 next site visit to lead the Commission to the site. Asked him to contact D. Hemphill to coordinate a
101 meeting at the site. N. Hills motioned to continue; J. Hartley seconded; voted unanimously.

102
103 7:25 PM **Kathleen Mahoney**, Dexter Road, across the street from House #40. Request
104 for Determination of Applicability (File No. 41D-1542) to construct a 12' x 15' patio, install a row of
105 boulders along the BVW, plant a privacy hedge and flower bed, remove boulder outcropping from
106 lawn, re-grade and resurface to re-establish lawn. (continued from September 24, 2014). S.
107 Gonsalves recused himself. N. Douglas Schneider representing K. Mahoney. He described the
108 project on the vacant lot across from house #40. N. Hills questioned the boulder size. N. Schneider
109 said they are not looking to build a wall. S. Gonsalves, as contractor, said they will be spaced 2-3'.
110 More of a visual. N. Hills stated no closer than 3'. S. Gonsalves stated they will hydroseed for quick
111 coverages and a silt fence will be used. J. Hartley asked about a skip laurel hedge, S. Gonsalves
112 described. No questions from members. N. Hills motioned to close the hearing, J. Hartley seconded;
113 voted unanimously.

114
115 7:30 PM **Daniel Gibbs**, 4 Derby Lane – Request for Determination of Applicability
116 (File No. 41D-1546) to construct a single family dwelling, in-ground pool and detached storage barn.
117 N. Douglas Schneider representing D. Gibbs, he described the project. Original owner L. Decosta
118 started work but now D. Gibbs will taking over the project. The septic system remains the same, the
119 Board of Health approved the original at the time. The house is outside of the buffer zone. C.
120 Trinidad asked if the garage is for vehicles or horses, and the answer is vehicles. The cleared area is
121 where the house will go and some more area will need to be cleared also. N. Hills questioned the
122 wetlands lines noting that only one flag was found. N. Hills asked about run off from the roof. N.
123 Schneider stated that it is outside of the Buffer Zone. J. Hartley noted that any work within 50' will
124 need to come back. N. Hills motioned to close the hearing' C. Trinidad seconded; voted
125 unanimously.

126
127 7:40 PM **Barbara Shea O'Hare**, 136 Point Road - Request for Determination of
128 Applicability (File No. 41D-1547) to demolish and reconstruct existing single family dwelling and

129 attached garage. N. Douglas Schneider representing B. Shea-O'Hare. He described the project. W.
130 Saltonstall (architect) also present. All work will be outside of the Buffer Zone. Portion of the
131 grading will be within AE Flood Zone. The house and driveway are outside of the flood zone. N.
132 Hills asked that the lines of the coastal banks on the plan be clarified. W. Saltonstall did so. N. Hills
133 asked about the septic system, N. Schneider noted it was not in, and that it is a large system. N. Hills
134 also asked about the foundation. W. Saltonstall noted that it is a crawlspace. J. Hartley asked about
135 the gravity drain. N. Hills asked about the roof run off. N. Schneider said they can get a discharge
136 basin. N. Hills moved to close the hearing; S. Gonsalves seconded; voted unanimously.

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138 **Daniel Gibbs**: 4 Derby Lane, Negative Determination Box #3. Condition that they
139 install fence or line of boulders 15' from BVW line. S. Gonsalves motioned; N. Hills seconded;
140 voted unanimously.

141

142 **Kathleen Mahoney** Dexter Road, across the street from House #40. Negative Determination
143 Boxes 2 and 3. Condition that boulders be no closer than 3 feet to each other. C. Trinidad motioned;
144 J. Hartley seconded; voted unanimously.

145

146 **Matthew and Stephanie Sperry** Off Converse Road, Order of Conditions drafted. N. Hills
147 motioned; S. Gonsalves seconded; voted unanimously.

148

149 Minutes have been reviewed and revised. D. Hemphill will resend the revised versions for
150 review.

151 N. Hills said that Ken Steen revised the 40B plan slightly. Not as much fill needed, do we
152 need an amended order? N. Hills will look into it.

153

154 Meeting adjourned at 8:40 PM.

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Donna M. Hemphill, Administrative Assistant

158 Approved November 12, 2014